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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 16, 2007

By Fax

Honorable Theodore H. Katz  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Jose Casteneda,  
S3 03 Cr. 731 (GBD)  
07 Civ. 5923 (GBD) (THK)

Dear Judge Katz:

I am the Assistant United States Attorney who handled the underlying criminal matter, and am also responsible for responding to the defendant's petition pursuant to 28 U.S.C. § 2255 (the "Petition"). The Government writes to request a 60-day extension to file its opposition to defendant's Petition.

On June 27, 2007, Judge Daniels ordered the Government to respond to defendant's Petition by September 12, 2007. However, the undersigned was never provided a copy of the Court's order, and was unaware of the deadline and the defendant's Petition. The Government only learned of the existence of the Court's order and the Petition when it recently received a phone call from Your Honor's courtroom deputy inquiring about the status of the Government's response.

Accordingly, in order to properly prepare a response, the Government respectfully requests a 60-day extension, until December 17, 2007, to file its opposition to defendant's

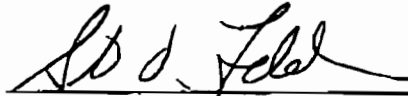
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Petition. This is the Government's first request for an extension.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

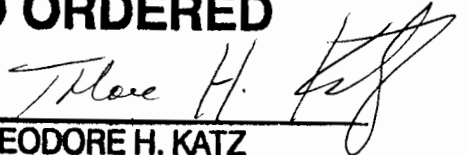
  
Steven D. Feldman  
Assistant U.S. Attorney  
(212) 637-2484

cc: Jose Casteneda, pro se  
52743-054  
USP Victorville  
Box 5500  
Adelanto, CA 92301

*The response to the Petition  
shall be filed by December 17, 2007.  
Any reply shall be filed by January 4, 2008.*

**SO ORDERED**

*10/17/07*



**THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE**